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Attorney for Defendant ROBERT FAIETA
DBA COMPETITION MOTORSPORTS

UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA -SANTA ANA DIVISION

In re:

EAGAN AVENATTI, LLP,
Debtor.

RICHARD A. MARSCHACK, Chapter 7
Trustee of the Estate of EAGAN
AVENAITTI, LLP

Plaintiff,

v.

ROBERT FAIETA DBA COMPETITION
MOTORSPORTS, an individual

Defendant.

Case No. 8:19-bk-13560-SC

Chapter 7

Adv. No. 8:20-ap-01051-SC

**DECLARATION RE SETTLEMENT
AND PRETRIAL CONFERENCE**

Pretrial Conference Set For:

Date: September 13, 2022

Time: 01:30 PM

Hearing Judge: Scott C. Clarkson

**Location: 411 W Fourth St., Crtrm 5C, Santa Ana,
CA 92701**

DECLARATION OF CHRISTOPHER L. BLANK

I, Christopher L. Blank, declare that the facts set forth below are true and correct of my own personal knowledge and if called upon to do so, I could and would testify competently to them.

1. I am an attorney at law, duly licensed to practice before this Court. I am attorney of record for defendant in this action.

2. As of August 4, 2022, the parties reached an agreement in principle to settle this matter, subject to Court approval. Plaintiff's counsel agreed to prepare a formal written settlement agreement.

3. A formal settlement agreement was transmitted by Plaintiff's counsel to the undersigned on August 15, 2022. Defendant approved the form of the settlement agreement on August 23, 2022. The undersigned transmitted his own signature and defendant's signature on the settlement agreement to Plaintiff's counsel on August 24, 2022.

4. The undersigned received Mr. Reitman's signature on the settlement agreement on August 26, 2022 and Mr. Marshack's signature on the settlement agreement on August 29, 2022. At that time, Mr. Reitman advised me that Marshack Hays was drafting the motion to approve the settlement and would share it with me when it was ready.

5. The parties previously stipulated to continue the pretrial conference in this matter from August 26, 2022 to September 30, 2022. The Court granted a continuance to September 13, 2022.

6. The undersigned has not received a proposed joint pretrial stipulation in compliance with Local Rule, 7016, presumably because counsel is working on the motion to approve the settlement and Mr. Marshack did not want to incur fees to prepare the pretrial stipulation.

7. After receiving calls from the Court clerk on September 6, 2022 asking why no pretrial stipulation was timely filed, I contacted Mr. Reitman, Mr. Hays and Mr. Marshack to check on the progress of the motion to approve the settlement. I also suggested submitting

1 another stipulation to continue the pretrial conference. I have not yet received a response.

2 8. The undersigned is doing his best to minimize the expense to his clients in seeing
3 this matter through to final resolution. For that reason, he did not previously file a declaration in
4 compliance with Rule 7016. He apologizes for any inconvenience that has caused the Court and
5 staff.

6 I declare under penalty of perjury under the laws of the State of California and the United
7 States of America that the foregoing is true and correct. Executed this 7th day of September,
8 2022 at Costa Mesa, California.

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10 /S/Christopher L. Blank
11 Christopher L. Blank
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PROOF OF SERVICE

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 4675 MacArthur Court, Suite 550, Newport Beach, California 92660.

A true and correct copy of the foregoing document described as DECLARATION RE SETTLEMENT AND PRETRIAL CONFERENCE will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On March 26, 2018 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:
Daniel M Anderson on behalf of Defendant Nationwide Life Insurance Company
daniel.anderson@icemiller.com, sandy.heaberlin@icemiller.com

Richard A Marshack (TR)
pkraus@marshackhays.com, rmarshack@iq7technology.com

Jack A. Reitman on behalf of Plaintiff Richard A. Marshack
jareitman@landaufirm.com,
srichmond@landaufirm.com; vrichmond@landaufirm.com; avedrova@landaufirm.com

United States Trustee (SA)
ustpregion16.sa.ecf@usdoj.gov

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):
On, March 26, 2018 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

9/7/2022
Date

CHRISTOPHER BLANK
Type Name

/s/ Christopher L. Blank
Signature